Appl. No.: 10/789,771
Amdt. dated: July 31, 2006
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2163

PATENT

REMARKS/ARGUMENTS

Claims 1-13 and 21-23 are pending. Claims 1, 9, and 12 have been amended. New claims 21-23 have been added. No new matter has been introduced. Applicants believe the claims comply with 35 U.S.C. § 112.

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ofek et al. (US 6,108,748) in view of Wilde (US 5,991,753). The Examiner recognizes that Ofek et al. does not disclose registering identification information about an unnecessary file to identify one or more unnecessary files and determining whether a file stored on the storage device is an unnecessary file, and cites Wilde for allegedly providing the missing teaching at column 14, lines 31-34.

Applicants respectfully submit that independent claim 1 as amended is patentable over Ofek et al. and Wilde because, for instance, they do not teach or suggest (1) an unnecessary file table that registers therein, for each file, file name of the file, directory name relating to the file, update time of the file, and storage device name of a storage device which stores the file, and registers files requiring no data migration; (2) an unnecessary file that does not need to be migrated to a data migration destination storage device; (3) setting up conditions of unnecessary files to be registered in the unnecessary file table, wherein the conditions include a condition that a file be left unaccessed during a certain period of time, so that an unnecessary file is identified based on a file update point in time which is stored in the unnecessary file table; and (4) checking all the files of one of the migration source storage devices to determine whether each of the files of the one migration source storage device is an unnecessary file which is not to be migrated to a migration destination storage device or an already migrated file which has been migrated to the at least one migration destination storage device, wherein after checking all the files, the computer starts data migration operation on only the files that are not unnecessary files.

Support for feature (3) can be found, for example, in the specification at page 17, lines 2-10 ("It is also possible to specify the unnecessary-file conditions, for instance, by designating all files that were created during a period of time and left unaccessed during a certain period of time."); Fig. 15 (in particular, update date/time 1224) and page 13, lines 10-

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14 ("As shown in Fig. 5, the unnecessary-file table 122 comprises a directory field 1220, a file name field 1221, and extension field 1222, a creation date/time field 1223, an update date/time field 1224, a user field 1225, and a device field 1226."); and page 13, lines 18-20 ("The creation date/time 1223 and update date/time 1224 respectively store the creation date/time and update date/time of the unnecessary file.").

Ofek discloses registering indication of "migrated" or "not migrated" on the track-by-track basis in the storage device of the migration source (see Fig. 2). However, Ofek does not teach or suggest the features (1) to (4) as claimed.

Although Wilde discloses at column 14, lines 31-34 a lock list to specify files that should be excluded from migration, it does not provide an unnecessary file table or the other aspects of the features (1) to (4) as claimed. All the lock list contains is a list of files to be excluded from migration.

For at least the foregoing reasons, claim 1 and claims 2-5 depending therefrom are patentable over Ofek et al. and Wilde.

Claims 6-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ofek et al. (US 6,108,748) in view of Wilde (US 5,991,753) and Mogi et al. (US 2003/0093439). The Examiner recognizes that Ofek et al. and Wilde do not disclose displaying information to indicate that data migration is completed, and cites Mogi et al. for allegedly providing the missing teaching.

Mogi et al., however, does not cure the deficiencies of Ofek et al. and Wilde, in that it also fails to teach or suggest the features (1) to (4) described above, as recited in claim 1 from which claims 6-8 depend. For at least the foregoing reasons, dependent claims 6-8 are patentable.

Applicants respectfully submit that independent claim 9 is patentable over Ofek et al., Wilde, and Mogi et al. because, for instance, they do not teach or suggest features (1) to (4) described above, which are also recited in claim 9. For at least the foregoing reasons, claim 9 and claims 10-11 depending therefrom are patentable over Ofek et al., Wilde, and Mogi et al.

Applicants respectfully submit that independent claim 12 is patentable over Ofek et al., Wilde, and Mogi et al. because, for instance, they do not teach or suggest features (1) to (4) described above, which are also recited in claim 12. For at least the foregoing reasons, claim 12 and claim 13 depending therefrom are patentable over Ofek et al., Wilde, and Mogi et al.

New dependent claims 21-23 are submitted to be patentable as being directed to additional features of the present invention, as well as by being dependent from allowable independent claims 1, 9, and 12, respectively. Applicants note that the references do not teach or suggest the storage-device specific file table and checking to determine whether the file stored in the migration source storage device corresponds to the file name and directory name amongst the information on the migration destination storage device and, if correspondence is determined, deciding that data migration is unnecessary. The recited features are found, for example, in the present application at page 21, line 16 to page 22, line 16; page 24, lines 4-8; step 430 in Fig. 11; and step 660 in Fig. 12.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at .

Respectfully submitted,

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